

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

THE SCO GROUP, INC.,  Plaintiff,  vs.  INTERNATIONAL BUSINESS MACHINES CORPORATION,  Defendant.	ORDER    Case No. 2:03-CV-294-TC
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Plaintiff SCO Group, Inc. has requested that the court re-open this administratively closed case and rule on two of many motions pending in this matter. Defendant International Business Machines Corporation (IBM) contends that sister litigation now on appeal to the Tenth Circuit Court of Appeals (SCO Group, Inc. v. Novell, Case No. 2:04-CV-139, Appeal No. 10-4122 (the “Novell litigation”)) must be resolved before the court proceeds in the matter here (“the IBM litigation”).

The court, having reviewed orders and pleadings in the Novell litigation as well as pleadings in the IBM litigation, finds that the claims in the Novell litigation are inextricably intertwined with the claims in the IBM litigation. Accordingly, proceeding in the IBM litigation in the piecemeal manner suggested by SCO Group would be improper, would be an inefficient use of judicial resources, and would risk conflicting decisions.

The court declines to re-open the case and resolve any of the pending motions. When the

Tenth Circuit Court of Appeals has issued its decision in the Novell litigation (No. 10-4122), either party may move the court to re-open the case. Until then, the matter will remain administratively closed.

SO ORDERED this 10th day of September, 2010.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL  
Chief Judge